

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 102

(Senator Rosapepe)

Judicial Proceedings

Airplane Passenger Public Safety Act of 2018

This bill prohibits a law enforcement officer from removing or participating in the removal of a passenger from an aircraft under specified circumstances.

Fiscal Summary

State Effect: None. The change is procedural in nature and does not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: A law enforcement officer is prohibited from removing or participating in the removal of a passenger from an aircraft if:

- the passenger holds a ticket for a seat on the aircraft;
- the passenger has boarded and been seated on the aircraft;
- the passenger's presence on the aircraft does not endanger the safety of another individual;
- the common carrier that issued the ticket to the passenger has requested that the passenger exit the aircraft because the common carrier intends that the seat being occupied by the passenger be occupied by another individual;

- the aircraft has not transported the passenger to the final destination point designated on the passenger's ticket; and
- the law enforcement officer does not have probable cause to charge the passenger with a violation of State law other than a violation arising from the common carrier's request that the passenger exit the aircraft, as specified.

Current Law/Background: The Code of Federal Regulations (CFR) provides that the pilot in command of an aircraft is directly responsible for, and is the final authority as to, the operation of that aircraft. Federal aviation regulations authorize a pilot in command of an aircraft to order the removal of a person who assaults, threatens, intimidates, or interferes with a crewmember in the performance of the crewmember's duties aboard an aircraft being operated.

Federal and State law do not prohibit an airline from overbooking or selling more tickets than there are available seats on a flight. In addition, federal and State law do not prohibit an airline from involuntarily denying boarding (known as "bumping") a passenger on a fully booked or oversold flight. Generally, airlines are allowed to set individual policies in determining who is bumped from a full flight and such situations are usually handled before passengers board the aircraft.

CFR establishes minimum standards for the treatment of airline passengers holding confirmed reservations who are bumped from a full or oversold flight. Under CFR, passengers who are involuntarily bumped can receive up to \$1,350. Compensation varies by how long the passenger will be delayed; however, if the airline can rebook the passenger to get to the passenger's destination within an hour of the scheduled arrival time of the original flight, no compensation is required.

Individual airline policies are available in the "contract of carriage" agreed to by airline passengers at the time of airline ticket purchase. The U.S. Department of Transportation's Aviation Consumer Protection Division reviews and responds to consumer complaints and promotes awareness and understanding of consumer rights through consumer information and education.

Airport Oversight in Maryland: The Maryland Aviation Administration (MAA) is the owner and operator of Baltimore/Washington International Thurgood Marshall Airport (BWI Marshall Airport) and Martin State Airport. The Maryland Aviation Commission, which oversees MAA, establishes policies for BWI Marshall Airport and approves policies and regulations for the operation of Martin State Airport. The Maryland Transportation Authority Police provide law enforcement services for the airport roadways, terminals, and airfields at both State airports in accordance with a Memorandum of Agreement with MAA.

Recent National Incidents: The airline industry’s customer service practices have come under fire since April 2017, when videos went viral on social media showing Dr. David Dao being forcibly removed from a flight. Dr. Dao was one of four passengers on a flight leaving O’Hare International Airport who were picked to be involuntarily bumped to make room for airline employees. When Mr. Dao refused to leave the plane, the airline called in Chicago Aviation Department officers who dragged Mr. Dao off the flight. The incident sparked national outrage. In the subsequent months, several additional incidents were reported across the country in which airline passengers were forcibly removed from airplanes after being seated.

Recent Federal Legislation: In August 2017, U.S. Senator Chris Van Hollen introduced the Customers Not Cargo Act, which would prohibit airlines from forcibly removing passengers after they have already boarded the plane due to overbooking or airline staff seeking to fly as passengers. To date, no action has been taken on the bill.

In November 2017, U.S. Congressman Rick Nolan introduced legislation that would require airlines to provide travelers with a one-page “bill of rights.” To date, no action has been taken on the bill.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel, Charles, and Montgomery counties; cities of Frederick and Havre de Grace; Department of State Police; Maryland Department of Transportation; Code of Federal Regulations; Federal Aviation Administration; U.S. Department of Transportation; *Chicago Tribune*; *The Hill*; Department of Legislative Services

Fiscal Note History: First Reader - January 15, 2018
mm/lgc

Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510